SUSTAINED RATE AND
DISCIPLINE IMPOSED

CHAPTER **7**

SUSTAINED RATE

In 1998, there were 321 closed cases. However, 141 of the cases were not of the type that could have had a Sustained finding. Of these 141 cases, 55 were Informal complaints which were resolved by the officer's supervisor. Twenty-five (25) Policy complaints were against the Department and not the individual officers. Sixty-one (61) Procedural complaints were found to be Within Procedure. The remaining 180 Formal cases were of the type where the officer involved could have been disciplined and possibly sustained. Of these 180 Formal complaints, a finding was reached in 121 cases, of which 30 complaints were sustained. The other 59 cases were omitted from Illustration No. 12 because, the cases involved non-sworn officers of the SJPD or because the investigations resulted in a No Finding.[13]

Illustration No.12 indicates that 8 out of 96 Formal CI closed cases were sustained, which resulted in 8% sustained rate. In contrast, 22 out of 25 Formal DI closed cases were sustained, a 88% sustained rate. The combined sustained rate for Formal CI and DI cases for all the Council Districts is 25%.[14]

Illustration #12: Sustained Cases by Council District

Council Districts	Formal Closed Cases		Formal Sustained Cases	
	CI	DI	CI	DI
1 LEZOTTE	3	0	1	0
2 POWERS	4	0	0	0
3 CHAVEZ	35	8	3	8
4 MATTHEWS	6	1	0	1
5 DIAZ	13	0	0	0
6 FISCALINI	7	1	0	1
7 SHIRAKAWA, JR.	11	1	0	1
8 WOODY	6	4	1	3
9 DIQUISTO	4	1	0	0
10 DANDO	1	0	0	0
Unknown/Outside City Limits	6	9	3	8
Total Sustained Cases	**96**	**25**	**8**	**22**

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13 A case reached a No Finding for one of the following reasons: Lack of signature on the Boland Admonishment, officer resigned from the SJPD before the investigation was completed, complainant was uncooperative, complainant withdrew the complaint, unable to contact complainant or witness, or the identity of the officer could not be determined.

14 The 25% sustained rate was derived from the 30 total sustained cases divided by the 121 Formal closed cases. Informal, Policy, and Procedural cases do not have findings. Also excluded are the non-sworn officers and the No Finding investigations.

DISCIPLINE IMPOSED

Discipline can only be imposed on Formal complaints. The Formal complaints can be initiated either by a citizen (Citizen-Initiated (CI) complaints) or by the Chief of Police (Department-Initiated (DI) complaints.) An officer receives discipline based on the entire complaint and not based on each separate allegation.[15] For example, an officer may have had three allegations sustained, but will received only one discipline (such as letter of reprimand, documented oral counseling, suspension, etc.) An officer may receive training and/or counseling, even though the allegation in a complaint is not sustained.[16]

A finding was reached in 121 complaints. The other 59 complaints involved non-sworn officers of the SJPD or the investigations resulted in a No Finding. Therefore, they were omitted from Illustration No. 13. In the 121 complaints that resulted in a

Illustration #13: Discipline Imposed for Formal Cases

Type of Formal Disciplines Imposed	CI	DI	Total	%
Training and/or Counseling	5	7	12	26%
Documented Oral Counseling (D.O.C.)	2	18	20	43%
Letter of Reprimand (L.O.R.)	1	7	8	17%
10-Hour Suspension	0	2	2	4%
20-Hour Suspension	1	2	3	6%
40-Hour Suspension	0	1	1	2%
160-Hour Suspension	0	1	1	2%
Total Formal Disciplines Imposed	**9**	**38**	**47**	**100%**

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15 See Appendix D (Misconduct Allegations) and Appendix C (Definition of Findings).

16 For example, officers who resign pending termination have a No Finding instead of Sustained allegation. Also, some officers may receive Training and/or Counseling for a Not Sustained or Exonerated allegation.

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finding, a discipline was imposed on 47 complaints. The disciplines were listed by increased level of severity.

Documented Oral Counseling accounted for 43% of the disciplines in Formal cases while Letter of Reprimand accounted for 17% of the disciplines in Formal cases. Training and/or Counseling accounted for 26% of the disciplines in Formal cases and was more frequent in the Formal DI cases than in the Formal CI cases.